

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

LMK TECHNOLOGIES, LLC,
Appellant

v.

BLD SERVICES, LLC
Appellee,

2016-1636, 1637, 1638

On Appeal from the Patent and Trademark Office,
Patent Trial and Appeal Board, Case Nos. IPR2014-00768,
IPR2014-00770 and IPR2014-00772

UNOPPOSED MOTION OF LMK TECHNOLOGIES, LLC FOR AN
EXTENSION OF TIME TO FILE ITS OPENING BRIEF

Pursuant to Federal Circuit Rule 26(b), Appellant LMK Technologies, LLC (hereinafter “LMK”) respectfully requests an extension of time up to and including June 6, 2016 to file its opening brief. LMK’s opening brief is currently due April 29, 2016. Appellee BLD Services, LLC (hereinafter “BLD”) has informed the undersigned counsel for LMK that BLD is unopposed to this motion. This is LMK’s first request for an extension of time in these appeals.

In accordance with Rule 26(b)(5) of the Rules of this Court, the undersigned counsel of record submits herewith a declaration showing good cause for the extension which good cause is also set forth herein below.

1. These appeals involve complex technology and multiple issues in consolidated appeals from three *Inter Partes* Review proceedings involving three different patents. Taking into account the nature of these appeals and various professional commitments and obligations of counsel for LMK, the current deadline of April 29 would render it difficult for LMK to fully evaluate and present its cases on appeal to the Court.

2. Among other matters, lead counsel for LMK prepared for and tried a patent infringement case in the Eastern District of Missouri the week of March 21, 2016.

3. Among other matters, certain of LMK's counsel of record in this appeal also have a number of deadlines previously scheduled in April.

An extension of time to and including June 6, 2016 is warranted to allow LMK sufficient time to fully address the complex and numerous issues presented by the current appeals.

CONCLUSION

For the above reasons and the good cause shown, LMK Technologies, LLC respectfully requests the Court grant this motion for an extension of time, to and including June 6, 2016, for LMK Technologies, LLC to file its opening brief.

Respectfully submitted,

/s/ Jeffrey D. Harty
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Counsel for LMK Technologies, LLC

CERTIFICATE OF INTEREST

Counsel for Appellant certifies the following:

1. The full name of every party represented by me is:

LMK Technologies, LLC

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

N/A

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curia represented by me are:

TWH Infrastructure Industries, Inc.

4. The names of all law firms and the partners or associates who appear for the party now represented by me in proceedings before the agency, or are expected to appear in this Court, are:

NYEMASTER GOODE, P.C.

Jeffrey D. Harty

BANNER & WITCOFF, LTD.

Christopher L. McKee

Craig W. Kronenthal

Date: March 29, 2016

/s/ Jeffrey D. Harty

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on the 29th day of March, 2016, I electronically filed the foregoing Unopposed Motion of LMK Technologies, LLC for an Extension of Time to File it Opening Brief and Declaration of Jeffrey Harty in Support with the Clerk of Court for the United States Court of Appeals for the Federal Circuit via the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

By: /Jeffrey D. Harty/
Jeffrey D. Harty

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